"मुंबई पोलीस फाऊन्डेशन" नामक न्यासाची धर्मदाय आयुक्त, महाराष्ट्र राज्य, मुंबई, यांच्याकडे नोंदणी करण्याकरिता प्रारुप न्यासविलेखास *(Draft Trust Deed)* मान्यता देण्याबाबत.

महाराष्ट्र शासन

गृह विभाग

शासन निर्णय क्रमांक : संकीर्ण-०९१७/प्र.क्र.४६५/पोल-७.

मंत्रालय, दुसरा मजला, मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मुंबई-४०० ०३२.

दिनांक : १७ फेब्रुवारी २०१८.

वाचा :-

१) शासन निर्णय, गृह विभाग, क्रमांक संकीर्ण-०९१७/प्र.क्र.४६५/पोल-७, दिनांक २३.१०.२०१७.

२) पोलीस आयुक्त, बृहन्मुंबई, यांचे पत्र क्रमांक ६४७/ पोआ/ सहपोआ/ का.व-सु./२०१७, दिनांक ०१.११.२०१७.

३) पोलीस आयुक्त, बृहन्मुंबई, यांचे पत्र क्रमांक ३३/पोआ/सहपोआ/ का.व-सु./२०१८, दिनांक २२.०१.२०१८.

प्रस्तावना.-

शासन निर्णय, गृह विभाग, क्रमांक संकीर्ण-०९१७/ प्र.क्र.४६५/ पोल-७, दिनांक २३.१०.२०१७, व्दारे "मुंबई पोलीस फाऊन्डेशन" नामक न्यास स्थापन करण्यास, विवक्षित अटींवर, मान्यता देण्यात आली आहे. उक्त शासन निर्णयातील अटींपैकी अट (४) अनुसार पोलीस आयुक्त, बृहन्मुंबई, यांनी दिनांक ०१.११.२०१७ रोजीच्या पत्राव्दारे उक्त न्यासाची धर्मदाय आयुक्त, महाराष्ट्र राज्य, मुंबई, यांच्याकडे नोंदणी करण्यासाठी प्रारुप न्यासविलेख *(Draft Trust Deed)* शासनाच्या मान्यतेसाठी सादर केला आहे.

२. तसेच, दिनांक २२.०१.२०१८ रोजीच्या पत्राव्दारे पोलीस आयुक्त, बृहमुंबई, यांनी उक्त न्यासाच्या प्रथम विश्वस्तांची नियुक्ती करण्यासाठी त्यातील खंड १० मधील अनुक्रमांक ५ येथे उल्लेख केलेल्या मुंबई शहरातील विविध क्षेत्रांमधील तीन नामांकित व्यक्तींची नावे देखील प्रस्तावित केली आहे.

३. त्या अनुसार शासनाने पुढील निर्णय घेतला आहे.

शासन निर्णय.-

"मुंबई पोलीस फाऊन्डेशन" नामक न्यासाची धर्मदाय आयुक्त, महाराष्ट्र राज्य, मुंबई, यांच्याकडे नोंदणी करण्याकरिता यासोबतच्या जोडपत्रातील प्रारुप न्यासविलेखास *(Draft Trust Deed),* त्यातील खंड १० मधील अनुक्रमांक ५ येथे उल्लेख केलेल्या, प्रथम विश्वस्त म्हणून नियुक्त करावयाच्या, मुंबई शहरातील विविध क्षेत्रांमधील तीन नामांकित व्यक्तींच्या नावांसह, याव्दारे, मान्यता देण्यात येत आहे.

२. हा शासन निर्णय महाराष्ट्र शासनाच्या *www.maharashtra.gov.in* या वेबसाईटवर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१८०२१७१४४७३०९५२९ असा आहे. हा शासन निर्णय डीजिटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

Swapnil Gopal Borse

Digitally signed by Swapnil Gopal Borse
DN: c=IN, o=Government Of Maharashtra, ou=Home Department, postalCode=400032, st=Maharashtra, 2.5.4.20=66835707253ff77ef0e333eb3ad582f9b876d443b2654088832e43dcad21c52a, cn=Swapnil Gopal Borse
Date: 2018.02.17 14:51:20 +05'30'

(स्वप्नील गोपाल बोरसे)
कार्यासन अधिकारी, महाराष्ट्र शासन.

प्रति,

१) मा. राज्यपाल यांचे सचिव, राजभवन, मलबार हिल, मुंबई.
२) मा. मुख्यमंत्री यांचे अपर मुख्य सचिव, मंत्रालय, मुंबई.
३) मा. विरोधी पक्षनेता, महाराष्ट्र विधानसभा/ विधानपरिषद, यांचे खाजगी सचिव, विधान भवन, मुंबई.
४) मा. राज्यमंत्री (गृह-शहरे) यांचे खाजगी सचिव, मंत्रालय, मुंबई.
५) मा. राज्यमंत्री, गृह (ग्रामीण), यांचे खाजगी सचिव, मंत्रालय, मुंबई.
६) पोलीस आयुक्त, बृहन्मुंबई, मुंबई.
७) धर्मदाय आयुक्त, महाराष्ट्र राज्य, मुंबई.

प्रत:-

१) पोलीस महासंचालक, महाराष्ट्र राज्य, मुंबई.
२) व्यवस्थापकीय संचालक, महाराष्ट्र राज्य पोलीस गृहनिर्माण व कल्याण महामंडळ मर्यादित, मुंबई.
३) महासंचालक, माहिती व जनसंपर्क, महाराष्ट्र शासन, मंत्रालय, मुंबई.
४) निवड फाईल, पोल-७.

<u>शासन निर्णय, गृह विभाग, क्रमांक संकीर्ण-०९१७/प्र.क्र.४६५/पोल-७, दिनांक १७.०२.२०१८ याचे जोडपत्र.</u>

<u>Rider 'A'</u>

THIS DEED made on this .... day of .... Two thousand and .... BETWEEN ……………….............hereinafter called "the SETTLOR" (which expression shall unless excluded by or repugnant to the subject or context mean and include his heirs, successors, executors and legal representatives of the ONE PART AND (1) .... (2) ....residing _______________ (which expression shall unless excluded by or repugnant to the subject or context mean the trustees for the time being of the Trust hereinafter called "the TRUSTEES" of the OTHER PART):

WHEREAS:

The Settlor desires to establish a fund solely for the welfare of the Police Department, Police Personnel and their families and not for purposes of profit and for such purpose has made over a sum of Rs............. (Rupees ....) only to the Trustees by way of initial contribution.

2. The Trustees have agreed to become Trustees and to hold and apply the said sum of Rs............. (Rupees ....) only and all gifts, contributions, subscriptions and donations for the said fund for such purposes and subject to the trusts, powers and provisions contained in this deed.

3. The parties of the Second Part on being requested by the settler to act and become the trustees of the trust as testified their being parties to and executing the Deed of Trust.

4. .... has agreed to become the managing Trustee and hold the said sum of Rs.10,000/- (Rupees Ten Thousand only) as Managing trustee upon Trust.

5. The said sum of Rs.10,000/- (Rupees Ten Thousand only); in anticipation of this Deed of Trust has been already transferred, paid, and handed over to the trustees before execution of this Deed of Trust.

AND NOW THIS DEED WITNESSETH that for the purpose of effectuating the said desire of the settler, the settler has irrevocably transferred the said sum of Rs.10,000/- (Rupees Ten Thousand only) to the trustees. The trustees do and each of them doth hereby admit and acknowledge which is held by the trustees upon trust, which they shall with all practicability dispatch, invest the aforesaid sum in the scheduled bank or in public securities as envisaged under Section 2(12) of the Maharashtra Public Trust Act, 1950 and the aforesaid sum shall be held by the trustees as Trust Fund of the trust and other accretions thereto subject to and in conformity with the provisions laid down hereinafter for the better management and administration of the trust.

1 **NAME OF THE TRUST:**

The name of the Trust shall be “Mumbai Police Foundation”.

2 **REGISTERED ADDRESS OF THE TRUST:**

Office of the Deputy Commissioner of Police (Headquarters-I), *Brihan Mumbai*, New Administrative Building, First Floor, Mumbai Police Headquarters, D.N. Road, Mumbai-400001.

3 **PROPERTY OF THE TRUST:**

The properties of the Trust shall consist of all the immovable and movable properties and shall be maintained in separate “A” and “B” Registers. All these properties and new accretion thereto, acquisition and donations received thereafter shall be called as the “TRUST PROPERTIES”.

4 **VESTING THE TRUST PROPERTY :**

The trust property shall vest in the Trustees; for the time being under this Deed and shall be administered and managed by them subject to and in conformity with the provisions of this Deed.

5 **OBJECTS OF THE TRUST :**

i. Promotion of Efficiency, Standard, Skills, Techniques and Modernization of Mumbai Police department for protection of

general public.

ii. Welfare of policemen, their families and other activities related to it.

iii. Maintenance and repairs of police houses and accommodation.

iv. Carrying out diagnostics, regular check-up and treatment of policemen and their families and looking after their health related issues.

v. Creation and maintenance of infrastructure needed to maintain physical parameters of health of policemen (Gymnasium, Yoga Classes, Martial Arts Classes, etc.) and support sports activities and competitions for them.

vi. To run, conduct, maintain and manage charitable hospital for policemen and their families.

vii. To provide ambulance services for policemen and their families.

viii. To open, conduct, maintain and manage educational institutions and hostels, boarding houses for the children of policemen.

ix. To open, conduct, maintain and manage libraries / reading rooms in police colonies.

x. Computerization of police stations and police offices, digitization of police record, provision for e-services, modernization of logistics equipment, etc. for enhancing the efficiency and capability of the force.

xi. To provide finance for procurement of modern equipment and protection gears for policemen to effectively tackle close combat situations and confront criminals.

xii. To support activities promoting police public interaction and communal harmony.

xiii. To support public awareness campaigns on various aspects of policing.

xiv. To grant scholarships to policemen, citizens for higher studies / research in India and abroad for the fields related to various aspects of policing.

xv. To restore artefacts / equipment of historical value of police history;

xvi. To support initiative for enhancing capabilities of cyber investigation by providing equipment and imparting training in cyber and spreading awareness about cyber frauds and crimes.

xvii. To organize various Police Training Programmes.

xviii. To organize and participate in Security Awareness Programmes, social and cultural programmes, seminars,

exhibitions, workshops, etc.

xix. To undertake Green Initiative, Water Conservation, Waste Management, etc. in all police offices and police colonies.

6 **NUMBER OF TRUSTEES :**

The number of Trustees shall not be less than “5” and not more than “13”. Addl. Chief Secretary (Home); The Commissioner of Police, Mumbai and the Jt. Commissioner of Police (Law & Order), Mumbai will be the ex-officio Trustees by designation. The Board of Trustees so constituted as aforesaid shall elect from amongst themselves the Office-bearers for the period of 3 years.

7 **MODE OF SUCCESSION OF TRUSTEESHIP :**

The surviving of continuing Trustees/trustee to appoint new Trustees in their absolute discretion by sense of majority. At least three trustees shall be always from police department and not below the rank of Jt. Commissioner of Police as ex-officio trustees. At least two trustees shall be reputed Industrialists and remaining trustees shall be reputed Indian citizens and or retired officers from police department having vast experience in social and chartable services.

8 **QUALIFICATION OF THE TRUSTEES :**

Any male or female of above 21 years, having good moral character and preferably an Indian, shall be eligible to become a Trustee of this Trust.

9 **DISQUALIFICATION OF THE TRUSTEESHIP :**

A Trustee of the said Trust shall be disqualified to act as a Trustee if,

a) He/ She acts against the interest of the Trust and does not abide by the Deed of Trust and provisions framed thereunder.

b) He/ She commit any acts of malfeasance, misfeasance, misappropriation, Breach of Trust in respect of this Trust.

c) He/ She is convicted of criminal offence involving moral turpitude or of offence described under the Maharashtra Bombay Public Trust Act, 1950.

d) He/ She is adjudged or declared insolvent.

e) He/ She voluntarily resigns or physically and/or mentally becomes incapable to act as a Trustee, or of unsound mind.

f) If he/ she shall remain absent for three consecutive meetings without the leave from Managing Trustee/ Chairman.

10 **FIRST BOARD OF TRUSTEES OF THE TRUST :**

1. Addl. Chief Secretary (Home), Government of Maharashtra;
2. Commissioner of Police, Mumbai;

3. Jt. Commissioner of Police (Law & Order), Mumbai;
4. Jt. Commissioner of Police (Administration), Mumbai;
5. (i) Shri Hemant Gokhale, 24, Walchand Terrace, Tardeo Road, Mumbai-400007.

   (ii) Smt. Dr. Nawaz Modi.56A, Anita, Mount Pleasant Road, Malabar Hill, Mumbai-400006.

   (iii) Shri D.N. Jadhav, 1302, Amar Housing Society, Sector 58/A, Plot No.7, Palm Beach Road, Nerul, Navi Mumbai-400706.

11 **CONSENT OF THE TRUSTEES TO ACT AND THEIR POWER:**

Every new Trustee appointed as aforesaid, with his consent previously obtained in writing, shall have the same power, authorities and discretion and shall in all respects act as if he/she had been originally appointed under this Deed.

For the accomplishment of the Trust of these presents and without prejudice to the generality of any power hereby legally conferred or implied or vested in the Trustee, the following powers and authorities are hereby expressly conferred on the Trustee that is to say:-

a) To purchase or otherwise acquire any immovable or movable property for all or any of the purposes of this Trust or on rents for such period and with or without option for renewal or purchase as the Trustees may think fit. To purchase, take on lease or otherwise acquire property for new object and to invest and deal with the money/funds of the Trust in such a manner as may be from time to time be determined. To construct, maintain, rebuild, repair, alter, replace, reinstate; houses, buildings, or works for the purpose of the Trust. To sell, dispose of, improve, manage, develop, exchange on lease, mortgage or otherwise alternate or deal with all or any property of Trust.

b) To appoint, dismiss and re-appoint different committees, the executive, officials, clerks, caretakers, munims, bankers, lawyers, brokers, trainee for the Welfare Project of the Trust, accountants and others on such honorarium or on remuneration and on such terms and as they think fit or to hand over the power of a particular Trustee for specific period the Board of Trustee will pass the Resolution in the meeting of Board meeting of the said Trust and to execute the power of Attorney. The Trust is empowered to appoint an Advisory Board of 3 to 5 members. A member of the Advisory Board should be high profile personality in the Society. The Trust is empowered to appoint patrons for the wellbeing of the Trust. The patrons shall be the persons of high repute in the society, to create a good atmosphere, good

reputation and goodwill in the society. The Board of Patrons and the Advisory Board will be appointed by the Trustees of the said Trust.

c) To delegate, by power of attorney or otherwise, to any Trustee or Trustees or other persons on whomsoever any power implied by law or conferred by statute or varied in the Trustee by these presents and to withdraw or revoke all or any of such powers. The Trustee shall not be held liable or responsible for the acts or defaults of any such person or persons.

d) To give donation to any Public Charitable Institution or funds subject to such terms and conditions as the Trustees may think fit but in every such case the Trustees shall put a condition that the donations shall be spent or applied only for such welfare purpose as are authorized by this Deed.

e) To decide all questions arising in the administration of Trust hereof and including all questions relating to the interpretation to these presents or exercise or non-exercise of any powers of the Trustee and all questions otherwise concerning or touching these presents or any clauses or things therein contained or the operation thereof. The decision of the majority of Trustees on all or any of the matters aforesaid shall be final.

f) The Trustees shall have the power to regulate the administration of the Trust and application of the income in respect of the Trust and from any donor and on claim of such exemption and/ or relief as may be available under any law governing taxation of income or wealth or gifts. The Trustee may for that purpose from time to time lay down or accept such restriction, condition or limitations as they may think appropriate for such exemptions or reliefs.

12 **ORDINARY AND SPECIAL MEETINGS:**

The Trustees shall hold at least one meeting every three months and these meetings shall be called the Ordinary Meetings. The Trust may also hold additional meeting and such meeting shall be called Special Meeting. Such Ordinary and Special Meetings will be held at such time and place as the Chairman shall determine and shall be called by the Secretary.

13 **NOTICE OF MEETING OF TRUSTEES:**

Notice in writing of every meeting of the Trust shall be delivered or sent through hand delivery or by post to each Trustee at his or her residential address at least 3 clear days before the date of meeting. Receipt of such notice should be taken in writing.

14 **QUORUM:**

There shall be a quorum when at least 3/5th Trustees are present at any meetings of the Trustees.

15 **RESOLUTION BY MAJORITY:**

Every resolution or question submitted to the meeting shall be decided by a majority with consent of the Managing Trustees.

16 **CIRCULAR:**

Any matter of business of a routine or formal or urgent nature may be determined by circular without meeting of the Trustees, provided that it is agreed to unanimously by all Trustees. In case of differences of opinion, such question shall be dealt with at the next meeting of the Trustees.

17 **MINUTE BOOK:**

A minute book shall be kept for this Trust which will consist of:-

a) A clear report of the proceedings in the meetings of the Trustees.

b) All the reports of the proceedings in the meeting shall be read over to the Trustees at the next meeting and when confirmed, shall be signed by the Chairman.

18 **THE PAYMENT OF MANAGEMENT :**

On acquisition of immovable properties, the Trustees shall out of rents, profits, income and interest of the Trust properties in the first instance pay all rents, taxes and assessments and other necessary outgoings the next place all the proper charges and expenses of an incidental to management and administration of the Trust properties as well as the costs of current repairs to and the upkeep of the immovable properties belonging to the charity, if any, and thereafter set apart 10 per cent or as managing Trustee may decide from time to time of the total gross income of reserve fund for the purpose of heavy repairs, renovation of rebuilding of immovable properties, if any, belonging to the Trust and pay and apply the balance for the objects of the Trust.

19 **REPAIRS TO PROPERTY :**

On acquisition of immovable properties the Trustees shall keep the property of the Trust in good condition. The Trustee shall have the power to repair, modify, alter, renovate, develop the immovable property of the Trust and shall maintain it in good condition.

20 **ACCOUNTING YEAR AND ACCOUNTS OF THE TRUST :**

Accounting year of the Trust will be from 1st April to 31st March. The managing Trustee shall keep or order to keep and maintain regular accounts of the Trust properties and its income and shall get the accounts audited as per the provisions of the Maharashtra Public Trust Act, 1950. The Managing Trustee shall order to keep or maintain all

books of accounts including :

1) Rough Cash Book,
2) Fair Cash Book,
3) Ledger, Donation Book,
4) Donation book entry Containing movable full particulars,
5) Receipt Books,
6) Book containing movable and immovable properties, containing full particulars and its value,
7) Book containing list of investments, if any, other books as the circumstances demand.

21 **BANK ACCOUNTS :**

The Trustee shall not ordinarily keep on hand more than Rs. 10,000/-. All accounts in the banks shall be maintained in the name of the Trust and if not possible or practicable in the name of Trustees, such accounts shall be operated jointly at least by two of the trustees one of whom shall be the Chairman.

22 **INVESTMENTS:**

The Managing trustee shall invest trust funds and money in accordance with the provisions of Section 35 of the Maharashtra Public Trust Act, 1950 as he may think fit and proper.

23 **POWER TO SALE, MORTGAGE, BORROW ETC.**

The Trustees shall have power to borrow money or take loan (whether by way of mortgage, pledge, hypothecation or otherwise) for the purpose of or on behalf of the Trust of which they are trustees only on conditions and limitations as may be imposed by them / him in the interest or protection of the Trust. The Trustees shall also have power to transfer, gift, sell and alienate the property with the previous sanctions of the Charity Commissioner.

24 **REGISTER OF MOVABLE AND IMMOVABLE PROPERTIES :**

The managing Trustees shall keep two separate registers of up-to-date record of the movable and immovable properties of the Trust.

25 **CUSTODY OF THE DOCUMENTS:**

The Managing Trustee shall keep in his custody all documents concerned with the Trust, such as Minute Book, Title deeds, property documents, receipt book and such other records related to the Trust at the place which he thinks suitable and proper.

26 **RECEIVING OF DONATIONS:**

The Trustees shall be empowered to receive donations in cheque or in kind. Donations can be received through Corporate CSR. The trustees shall take every care to see that the conditions of donation

are in consonance with the objects of the Trust and said donations will be exempted under Section 80G of the Income Tax Act, 1961, FCRA and 35AC. The Trust shall have right to refuse any donations. Moreover, there shall be no conflict of interest or perception thereof while collecting donations. Besides, donations shall be accepted only from persons/ bodies with high credibility and shall not be accepted from persons/ bodies likely to compromise the functions, duties or responsibilities of the Police Force.

27 **<u>SOURCE OF INCOME</u>:**

Donation, fees, gifts, Charity Shows, Income on investments, grants and contributions, Bank interest, income from cultural programmers, Income on issue of souvenirs, income from exhibitions, etc.

28 **<u>POWER TO APPOINT SUB-COMMITTEES</u>:**

The Managing Trustees shall be empowered to appoint and dissolve committees so appointed from time to time for specific purposes.

29 **<u>POWER TO APPOINT EMPLOYEES</u>:**

The Trustees shall have power to employ such servants or employees including as they may require for management of Trust on such terms and conditions as to on honorarium basis or on salary, wages, D.A. etc. as it may consider proper from time to time and shall have the power to dismiss or remove any servant or employee.

30 **<u>LIABILITIES OF TRUSTEES</u>:**

Every Trustee shall be liable for the acts and deeds expressly to be done by him or her. It shall be the responsibility of every retiring Trustees of the Trust vacating his/her post for any reason to transfer the Trust property in the name of new Trustees or in the name of the Board of Trustees as may be decided by the Board of Trustees or in the name of the Trust.

31 **<u>REIMBURSEMENT OF TRUSTEES</u>:**

The Chairman and other Trustees shall be entitled to reimburse themselves of the amount spent by them for the Trust out of their own pockets. The decision of Settler Trustee in this respect shall be final and conclusive.

32 **<u>AREA OF OPERATION</u>:**

The area of operation shall be India.

33 **<u>POWERS OF ENTERING INTO CONTRACT:</u>**

The Trust shall not enter into any contract without the prior permission of the Government of Maharashtra.

34 **POWER TO FRAME RULES:**

The Board of Trustees shall be empowered to frame Rules in respect of this Trust. However, it shall be borne in mind by the Trustees that the rules framed for the Trust are in consonance with the objects and provisions of the Trust Deed and are also in consonance with the provisions of the Maharashtra Public Trust Act, 1950 and Maharashtra Public Trust Rules, 1951.

35 **REFERENCE TO CHARITY COMMISSIONER:**

If any dispute arises about the interpretation or construction of any of the clause or provisions of this Deed, the matter will be referred to the Charity Commissioner, Maharashtra State, Mumbai whose decision shall be final and conclusive.

(SIGNED, SEALED AND DELIVERED)

By the within named

…………………….

THE SETTLOR in the presence of

……………………………….

Witnesses :-

1. ……………………………….
2. ……………………………….